

Circuit Court of the Third Circuit
State of Hawai'i
P.O. Box 1970
Kealahou, Hawai'i 96750-1970

Chambers of Ronald Ibarra
Judge, Third Division

FAMILY COURT JUDGE'S MEMORANDUM
FAMILY COURT OF THE THIRD CIRCUIT

To: All Attorneys Practicing in the Family Courts of the Third Circuit and All Persons Filing Divorce Actions Who live in North Kohala, South Kohala, North Kona or South Kona Who Have Minor Children

From: Ronald Ibarra, Senior Family Court Judge

Subject: Mandatory Attendance at the Judiciary-Sponsored Children First Program

Date: October 25, 1993

Effective immediately, all parents who are involved in divorce actions and who live in South Kohala, North Kona or South Kona and who have minor children of the marriage are **ORDERED** to attend the Children First Program sponsored by the West Hawai'i Bar Association and the Family Court of the Third Circuit. The parents are **FURTHER ORDERED to bring with them all minor children of the marriage between 6 and 18 years of age who are residing with them.**

Both parents are encouraged to attend the program with their children. If, however, a parent wishes to have a spouse attend a different session, then a written application may be made to the Director of the Family Court. A plaintiff must present such an application at the time the complaint for divorce is filed. A defendant must present such an application no later than seven (7) days after service of the complaint for divorce. It is important that parents attend the program together, and separate scheduling will only be arranged where a joint session will be detrimental to the children or presents a danger to the participants.

In order to schedule parties, the filing clerk shall examine each complaint to determine whether minor children will be affected by the divorce. If so, the clerk shall assign a program date at the time of the filing of the complaint by attaching a notice, in pink, to the first page of the complaint. The notice shall constitute an order under which the plaintiff, the defendant and minor children of the marriage who are between 6 and 18 years of age and who live in South Kohala, North Kona or South Kona are required to attend the program on the date assigned by the filing clerk.

If the defendant is not served a copy of the complaint more than seven (7) days prior to the assigned program date, AND is unable to arrange his/her schedule to permit attendance, the defendant will be excused from attending on the assigned date but will be required to attend the program on a subsequent date. Such a reassignment may be arranged by contacting the Director of the Family Court.

Attendance is mandatory even if there is no dispute about custody and visitation arrangements for the minor children. No complaint for divorce which alleges that the parties have minor children shall thereafter be filed unless accompanied by:

- (1) The original and at least two (2) copies of a completed Children First Information Sheet; and
- (2) A copy of FCJM External Memo. 15A regarding Mandatory Attendance at the Judiciary-Sponsored Children First Program which is attached to the complaint and noted in the document style.

Family Court judges may refuse to grant a divorce to the parties until they attend this program.

In regard to parties who live in North Kohala, attendance at the Children's First Program is not mandatory. However, if a party wants to voluntarily attend a Children's First session, he or she may call the Director of the Family Court.

It is further **ORDERED** that where both parties in a divorce action attend a Children First session, they shall participate in a mediation intake, that is, speak with a mediation expert to determine if mediation is appropriate for them.